

# **EXHIBIT C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

v.

TYSON FOODS, INC., *et al.*,

Defendants.

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Case No. 4:05-CV-329-GKF-PJC

DECLARATION OF RICHARD T. GARREN  
IN SUPPORT OF THE STATE'S APPLICATION FOR FEES AND EXPENSES  
PURSUANT TO THE COURT'S ORDER [DKT #2734]

I, Richard T. Garren, hereby state as follows:

1. I am a shareholder in the law firm of Riggs, Abney, Neal, Turpen, Orbison & Lewis Inc. ("Riggs Abney"), and am one of the attorneys representing Plaintiff, State of Oklahoma ("State"), in the above-captioned matter ("Action"). My office is located at 502 West 6<sup>th</sup> Street, Tulsa, Oklahoma 74119.

2. On November 4, 2009, Magistrate Judge Cleary entered an Order granting in part and denying in part the State's Motion for Sanctions Directed to the Cargill Defendants for Discovery Misconduct ("Motion for Sanctions"). Dkt. #2734 ("Order"). As part of that Order, the Magistrate Judge awarded the State its "expenses, including reasonable attorney fees, incurred as a result of Cargill's counsel's incorrect and incomplete responses to interrogatories; e.g., expenses and fees incurred in supplementing the summary judgment motion as well as those incurred in seeking sanctions." *Id.* at 36. The Magistrate Judge further directed the State to file a "brief and affidavit(s) supporting the fees and expenses incurred on or before December 4, 2009." *Id.* The Magistrate Judge subsequently granted two extensions of time relating to such submission.

3. I submit this Declaration on personal knowledge and in accordance with the Magistrate Judge's directive in support of the attorney fees and expenses sought by the State as incurred by Riggs Abney, counsel of record for the State in the Action.

4. The Action has been pursued on a fully contingent basis. Attached hereto as Exhibit C-1 is a statement of the time expended and recorded by my firm in the Action as a result of Cargill's counsel's incorrect and incomplete responses to interrogatories. The total amount for the services performed as just described through November 30, 2009 based upon our 2009 rates is \$2,422.50. A listing of the professionals who provided services as a result of Cargill's counsel's incorrect and incomplete responses to interrogatories, the number of hours spent by each such professional relating thereto, and his hourly rate is shown on Exhibit C-1. The information reflected on Exhibit C-1 was compiled from my firm's billing records, which are contemporaneous time records kept in the normal course of business and which have been personally reviewed. Such time records are maintained in one-tenth increments of time.

5. Co-counsel from the law firms of Bullock, Bullock & Blakemore, PLLC and Motley Rice LLC have simultaneously submitted affidavits for fees incurred by such firms in accordance with the Magistrate Judge's Order.

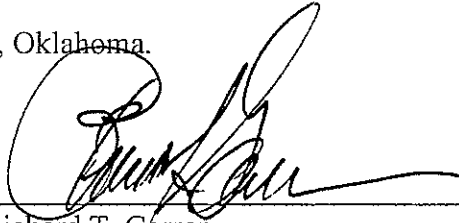
6. The hourly rates requested are \$300 for Richard T. Garren and \$275 for David P. Page. These hourly rates are our current private practice rates.

7. Should the Court so desire, the State will provide for an *in camera* review the underlying time records of Riggs Abney that support the summary attached hereto as Exhibit C-1.

8. I hereby declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing Declaration is true and correct to the best of my knowledge.

WHEREFORE, the State seeks the sum of \$2,422.50 in fees incurred by Riggs Abney from the Cargill Defendants and/or their counsel.

Executed this December 23, 2009 at Tulsa, Oklahoma.

  
Richard T. Garren

State of Oklahoma v. Tyson Foods, Inc. et al.**RIGGS ABNEY NEAL TURPEN ORBISON LEWIS INC.  
TIME AND EXPENSES RE: CARGILL DISCOVERY MISCONDUCT**

<u>Date</u>	<u>Initials</u>	<u>Work Description</u>	<u>Hours</u>	<u>Fees</u>
07/30/09	RTG	Conference with D. Page and I. Moll re: Ginn/Cargill sanctions	0.70	\$210.00
07/30/09	DPP	Telephone call with I. Moll and R. Garren re: Ginn/Cargill sanctions motion; review supplemental Ginn material recently received	2.40	\$660.00
08/01/09	RTG	Review B. Blakemore summary of Cargill representations about documents and comment	0.60	\$180.00
08/08/09	RTG	Conference with D. Page on Ginn deposition	0.30	\$90.00
08/08/09	DPP	Meeting with R. Garren re: Ginn deposition	0.30	\$82.50
08/11/09	RTG	Review and respond on draft motion for sanctions re: Cargill withholding documents (0.40); review and confer on motion for sanctions and motion for summary judgment modification with team and pull data to support same (2.80).	3.20	\$960.00
11/25/09	RTG	Review time entries re: Cargill discovery misconduct in support of fees brief pursuant to court order	0.80	\$240.00

**Summary by Timekeeper**

	<u>Attorney</u>	<u>Position</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
RTG	Richard Garren	Shareholder	5.60	\$300.00	\$1,680.00
DPP	David P. Page	Of counsel	2.70	\$275.00	\$742.50
					<b>\$2,422.50</b>